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April 12, 2004

Mail Stop Appeal Brief - Patents
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Re: **Application Serial No.:** 09/923,089
Appellants: Harold V. Putman, et al.
Filing Date: August 6, 2001
Confirmation No.: 9431
Title: AUTOMATED BANKING
MACHINE SYSTEM AND METHOD
Docket No.: D-1144

Sir:

Please find enclosed the Brief of Appellant pursuant to 37 C.F.R. § 1.192 in triplicate for filing in the above-referenced application.

Please charge the fee required with this filing (\$330) and any other fee due to Deposit Account 09-0428 of InterBold.

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

In Re Application of:)	
Harold V. Putman, et al.)	
)	Art Unit
Serial No.: 09/923,089)	2876
)	
Confirm. No.: 9431)	
)	
Filed: August 6, 2001)	Patent Examiner
)	Seung H. Lee
For: Automated Banking Machine)	
System And Method)	

Mail Stop Appeal Brief - Patents
Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

**BRIEF OF APPELLANTS
PURSUANT TO 37 C.F.R. § 1.192**

Sir:

The Appellants hereby submit their Appeal Brief pursuant to 37 C.F.R. § 1.192, in triplicate, concerning the above-referenced Application.

REAL PARTY IN INTEREST

Diebold, Incorporated, an Ohio corporation having its principal location at 5995 Mayfair Road, North Canton, Ohio 44720 is the assignee of all right and title to the claimed invention.



RELATED APPEALS AND INTERFERENCES

Appellants believe that there are no related appeals or interferences pertaining to this matter.

STATUS OF CLAIMS

Claims 1-40 are pending in the Application.

Claims 1, 8, 9, 29 and 30 were rejected under 35 U.S.C. § 102(e) as being anticipated by Clark, et al., U.S. Patent No. 6,378,770 ("Clark")

Claims 2 and 3 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Clark.

Claims 4-7, 10-28, 31-40 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Clark in view of Coutts, et al., U.S. Patent No. 6,311,165 ("Coutts").

Appellants respectfully traverse these rejections. These rejections were the only rejections present in the Office Action ("Action") dated November 19, 2003, in which claims 1-26 were twice rejected. Appellants appeal each claim rejection, inclusive.

Additional Comment

A typographical error is noted in claim 27. The period after step (f) should be a semicolon. Appellants are willing to amend claim 27 upon completion of the Appeal process to correct the typographical error.

STATUS OF AMENDMENTS

The second rejection of claims 1-26 was made in the Office Action mailed November 19, 2003. No amendments to the claims were requested to be admitted after the Office Action mailed November 19, 2003.

SUMMARY OF INVENTION

The present invention is directed to an automated banking machine such as an ATM (40) (Figure 2). In an exemplary embodiment, the ATM comprises at least two user stations (52, 54) in operative connection with a computer (42). Each of the user stations includes at least one display device (44, 46) and at least one input device (48, 50). In an exemplary embodiment, the first user station may be located on a front side of the ATM and may be operative to present to a consumer a user interface (92) (Figure 3) for performing banking transactions. The first user station may also be operative to present to an authorized user a user interface for performing servicing operations on the ATM. In the exemplary embodiment, the second user station may be located on a rear side of the ATM. The second user interface (94) may also be operative to present to an authorized user a user interface for performing servicing operations on the ATM.

In an exemplary embodiment, a software application (106) (Figure 4) operating in the ATM may be responsive to a common markup language document (100) to generate corresponding user interface elements (116, 120) for user interfaces being output through the display devices (108, 112) of the first and second user stations. Because the input devices (110, 111, 114) at the first and second user stations may correspond to different types of input devices, the software causes the ATM to determine the type of input device associated with each user

station. For example, the first user station on the front of the ATM may receive inputs through function key input devices (110,111) while the second user station on the back of the ATM may receive inputs through use of a mouse device (114). Responsive to the determination of the type of input device associated with the respective user interface and the common markup language document, the software application may output user interfaces through the display devices which include user interface elements that are specifically adapted to be selected by the types of input devices associated with the respective user stations (page 26, line 13, to page 28, line 4). For example, in the first user interface, labels (116, 118) are produced which indicate the functions associated with adjacent function key input devices (110, 111), while in the second user interface a scroll bar (120) and buttons (122) are produced that can be manipulated and selected through use of the mouse device (114).

CONCISE STATEMENT OF THE ISSUES PRESENTED FOR REVIEW

The issues presented in this appeal are:

- 1) Whether Clark teaches or suggests every limitation and relationship in claims 1, 8, 9, 29 and 30 so as to anticipate these claims pursuant to 35 U.S.C. §102(e);
- 2) Whether Clark teaches or suggests every limitation and relationship in claims 2 and 3 so as to render these claims obvious pursuant to 35 U.S.C. §103(a); and
- 3) Whether Clark in view of Coutts teaches or suggests every limitation, relationship and step in claims 4-7, 10-28, 31-40 so as to render these claims obvious pursuant to 35 U.S.C. §103(a).

GROUPING OF CLAIMS

No groups of claims stand or fall together. Every claim recites additional features of the invention which distinguishes the claim over every other pending claim.

Each of Appellants' claims recites at least one element or combination of elements not found or suggested in the applied references, which patentably distinguishes the claims.

The pending claims include five independent claims (claims 1, 8, 18, 24, 26, and 37). Claims 2-6 and 29-39 depend from claim 1. Claims 9-17 depend from claim 8. Claims 19-23, 27, and 28 depend from claim 18. Claim 25 depends from claim 24. Claims 38-40 depend from claim 37. All pending claims 1-40 are reproduced in the Appendix.

ARGUMENT

The Applicable Legal Standards

Anticipation pursuant to 35 U.S.C. § 102 requires that a single prior art reference contain all the elements of the claimed invention arranged in the manner recited in the claim. *Connell v. Sears, Roebuck & Co.*, 722 F.2d 1542, 1548, 220 USPQ 193, 198 (Fed. Cir. 1983).

Anticipation under 35 U.S.C. § 102 requires in a single prior art disclosure, each and every element of the claimed invention arranged in a manner such that the reference would literally infringe the claims at issue if made later in time. *Lewmar Marine, Inc. v. Barient, Inc.*, 822 F.2d 744, 747, 3 USPQ2d 1766, 1768 (Fed. Cir. 1987).

Anticipation by inherency requires that the Patent Office establish that persons skilled in the art would recognize that the missing element is necessarily present in the reference. To

establish inherency the Office must prove through citation to prior art that the feature alleged to be inherent is "necessarily present" in a cited reference. Inherency may not be established based on probabilities or possibilities. It is plainly improper to reject a claim on the basis of 35 U.S.C. § 102 based merely on the possibility that a particular prior art disclosure could or might be used or operated in the manner recited in the claim. *In re Robertson*, 169 F.3d 743, 49 U.S.P.Q. 2d 1949 (Fed. Cir. 1999).

Before a claim may be rejected on the basis of obviousness pursuant to 35 U.S.C. § 103, the Patent Office bears the burden of establishing that all the recited features of the claim are known in the prior art. This is known as *prima facie* obviousness. To establish *prima facie* obviousness, it must be shown that all the elements and relationships recited in the claim are known in the prior art. If the Office does not produce a *prima facie* case, then the Appellants are under no obligation to submit evidence of nonobviousness. MPEP § 2142.

The teaching, suggestion, or motivation to combine the features in prior art references must be clearly and particularly identified in such prior art to support a rejection on the basis of obviousness. It is not sufficient to offer a broad range of sources and make conclusory statements. *In re Dembiczak*, 50 USPQ2d 1614, 1617 (Fed. Cir. 1999).

Even if all of the features recited in the claim are known in the prior art, it is still not proper to reject a claim on the basis of obviousness unless there is a specific teaching, suggestion, or motivation in the prior art to produce the claimed combination. *Panduit Corp. v. Denison Mfg. Co.*, 810 F.2d 1561, 1568, 1 USPQ2d 1593 (Fed. Cir. 1987). *In re Newell*, 891 F.2d 899, 901, 902, 13 USPQ2d 1248, 1250 (Fed. Cir. 1989).

The evidence of record must teach or suggest the recited features. An assertion of basic knowledge and common sense not based on any evidence in the record lacks substantial evidence support. *In re Zurko*, 258 F.3d 1379, 59 USPQ2d 1693 (Fed. Cir. 2001).

It is respectfully submitted that the Action does not meet these burdens.

The Clark Reference

Clark is directed to a system for replenishing an automated teller machine (ATM) with currency. Clark shows an ATM (10) that includes a user panel (12) at a front of the machine (Figure 1). The user panel includes a keypad (16) and a display screen (20). A user performs transactions through use of the user panel (12) at the front of the machine. Clark also indicates that the ATM may include an operator panel (26) mounted inside the ATM (Figure 2). The operator panel includes a keypad (27) and a display screen (28). An operator attends to the maintenance of the ATM through the use of the operator panel (26).

The Coutts Reference

Coutts is directed to a system in which an ATM (11) (Figure 1) comprises a plurality of peripheral devices such as a user interface (12), a card reader (13), a receipt printer(14), and a cash dispenser(15). The software for the peripheral devices is held in a central server (16) located externally of the ATM and linked to the terminal through a communication link (17).

(iii) 35 U.S.C. § 102

Pending Claims Are Not Anticipated by Clark

In the Action claims 1, 8, 9, 29 and 30 were rejected under 35 U.S.C. § 102(e) as being anticipated by Clark. These rejections are respectfully traversed.

Appellants respectfully disagree with the Action's interpretation of Clark. As shown in more detail herein, Clark does not teach each and every feature, relationship, and step of the claimed invention arranged in the manner recited in the claims, as is required to sustain the rejections. It follows that Clark cannot anticipate the claims. Thus, it is respectfully submitted that the 35 U.S.C. § 102(e) rejections should be withdrawn.

Claim 1

Amended claim 1 is an independent claim which is specifically directed to an automated banking machine apparatus. Claim 1 recites an automated banking machine which comprises a first input device of a first type associated with a first display device and a second input device of a second type associated with a second display device. The first input device of the first type and the second input device of the second type correspond to different types of input devices. In addition, claim 1 recites that the automated banking machine also comprises at least one software application. The at least one software application is operative to determine the first and the second types of the first and the second input devices.

Although Clark discloses a controller 30, Clark does not disclose or suggest software or any other element of an ATM which determines the types of different input devices in the ATM.

Claim 1 further recites that the at least one software application is operative to cause a first user interface to be output through the first display device responsive to the determined first type of the first input device. Claim 1 also recites that the software application is operative to cause a second user interface of a different type to be output through the second display device responsive to the determined second type of the second input device. An exemplary embodiment of Appellants' invention enables an automated banking machine to determine the type of input device associated with a display, and to generate an appropriate user interface at the display responsive to the type of input device associated with the display.

The Action asserts that Clark shows a display (28) that displays instructions to a user for entering a PIN using a keypad (27) and reading input data from a card reader (14). Appellant's disagree. Rather Clark discloses that in a typical ATM transaction, a user inserts his card into the card reader (14) and data enclosed on the card is read. Instructions are then displayed on the screen (20) which requests the user to enter a personal identification number (PIN) on the keypad. (Column 2, lines 63-67). Clark also discloses that the processor unit (32) receives input signals from the card reader (14), the user panel keypad (16) and the operator panel keypad (27), and provides output signals to various mechanisms of the cash dispenser (18), to the displays (20 and 28) of the user and operator panels (12 and 26) (Column 3, lines 15-20).

Although Clark at best may arguably appear to show an ATM capable of generating a user interface responsive to user interaction with the ATM, nowhere does Clark disclose or suggest a processor, software, or any other component that operates responsive to determined types of first and second input devices. In addition, Clark does not disclose or suggest generating first and second user interfaces through first and second displays of an automated banking

machine responsive to the particular type of the input device determined to be associated with each display.

Clark does not disclose each and every element of the claimed invention arranged in the manner recited in the claim, as is required to sustain the rejection. Hence, Appellants' claim 1 patentably distinguishes over Clark. Therefore, it is respectfully submitted that the 35 U.S.C. § 102(e) rejection of claim 1 has been overcome. It follows that claims 2-6 and 29-39 which depend from claim 1 are likewise allowable.

Claim 8

Claim 8 is an independent claim directed to an automated banking machine apparatus. The apparatus comprises a computer and at least two user stations in operative connection with the computer. Claim 8 also recites that the apparatus comprises at least one software application which is operative to determine at least one capability of at least one input device included in each user station. Although the ATM of Clark includes a user panel and an operator panel, Clark does not disclose or suggest software or any other element of its ATM which is operative to determine a capability of the input devices included in at least two user stations.

Claim 8 also recites that the at least one software application is operative to cause a user interface to be output through the display device included in each user station. The user interface for a user station is output responsive to the at least one capability associated with the at least one input device included in the user station.

The Action appears to view Clark as teaching that the controller unit generates screen information including card reader information on the user side panel (12) and that the controller

unit generates screen information without the card reader information on the operator side panel (26). It is unclear from the Action where Clark allegedly teaches screen information including card reader information. Nevertheless, regardless of whether Clark teaches displaying different information on the displays of the user panel (12) and the operator panel (26), Clark does not disclose or suggest outputting user interfaces through the user panel and the operator panel responsive to the at least one capability associated with the input devices included with the user panel and the operator panel.

Nowhere does Clark disclose or suggest a software application that is operative to determine at least one capability of at least one input device included in each user station. Further, nowhere does Clark disclose or suggest that a user interface for a user station is output responsive to at least one capability associated with an input device included in the user station.

Clark does not disclose each and every element of the claimed invention arranged in the manner recited in the claim, as is required to sustain the rejection. Hence, Appellants' claim 8 patentably distinguishes over the Clark reference. Therefore, it is respectfully submitted that the 35 U.S.C. § 102(e) rejection of claim 8 has been overcome. It follows that claims 9-17 which depend from claim 8 are likewise allowable.

Claim 9

Amended claim 9 depends from claim 8. Clark does not disclose or suggest a user interface element output through a display device at a user station which is adapted, responsive to determined capabilities of input devices, for user interaction through an input device included in the user station. As nothing in the applied art discloses or suggests these features, it is respectfully submitted that claim 9 is further allowable on this basis.

Claim 29

Claim 29 depends from claim 1. Clark does not disclose or suggest a banking machine in which an authorized user is capable of performing servicing operations with the machine while positioned adjacent either the first user station or the second user station of the machine. As nothing in the applied art discloses or suggests these features, it is respectfully submitted that claim 29 is further allowable on this basis.

Claim 30

Claim 30 depends from claim 1. Clark does not disclose or suggest at least one software application that is operative responsive to a determined first type of a first input device and is operative responsive to a determined second type of a second input device. Further, Clark does not disclose or suggest that the at least one software application is operative responsive to the determined first type to include at least one first user interface element in a first user interface which is adapted for selection using the first input device. Also, Clark does not disclose or suggest that the at least one software application is operative responsive to the determined second type to include at least one second user interface element in a second user interface which is adapted for selection using the second input device. In addition, Clark does not disclose or suggest a computer of an automated banking machine which is operative to perform a common servicing operation, responsive to selection of either the at least one first or the at least one second user interface elements. As nothing in the applied art discloses or suggests these features, it is respectfully submitted that claim 30 is further allowable on this basis.

(iv) 35 U.S.C. § 103

Appellants traverse the rejections. The Appellants respectfully submit that the attempts to modify the references and/or combine the teachings of the references are clearly attempts at hindsight reconstruction of Appellants' claimed invention, which is legally impermissible and does not constitute a valid basis for a finding of obviousness. *In re Fritch*, 22 USPQ2d 1780 (Fed. Cir. 1992). The rejections, which lack the necessary evidence and rationale, are based on knowledge gleaned only from Appellants' disclosure. There is no teaching, suggestion, or motivation cited so as to produce Appellants' invention. Furthermore, without a motivation to combine, which is the current situation, a rejection based on a *prima facie* case of obviousness is improper (MPEP § 2143.01). The Office does not factually support any *prima facie* conclusion of obviousness. It would not have been obvious to one having ordinary skill in the art to have modified the references in the manner alleged to have produced the recited invention. Thus, it is respectfully submitted that the 35 U.S.C. § 103(a) rejections are improper and should be withdrawn.

The Pending Claims Are Not Obvious Over Clark Alone

In the Action claims 2 and 3 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Clark alone. These rejections are respectfully traversed. The Appellants respectfully disagree with the Office's interpretation and application of Clark.

Appellants respectfully submit that the Action does not factually support any *prima facie* conclusion of obviousness. Clark does not disclose or suggest the features, relationships, and steps that are specifically recited in the claims. Nor is there any teaching, suggestion, or motivation cited for modifying Clark so as to produce the claimed invention. It would not have

been obvious to one having ordinary skill in the art to have modified Clark to have produced the claimed invention. For these reasons it is respectfully submitted that the 35 U.S.C. § 103 (a) rejections of claims 2 and 3 should be withdrawn.

Claim 2

Claim 2 depends from claim 1 and recites that the at least one computer is operative to cause a desktop environment to be generated, wherein the desktop environment spans the first and second display devices.

The Action asserts that Clark teaches that the ATM is not available for use by customers when the ATM enters a supervisor mode for maintenance related functions. The Action also asserts that it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Clark in order to provide a user friendly system means for displaying a plurality of supervisor mode related functions on the first monitor along with displaying messages on the second device such as "temporarily" out of order which serves as spanning of displaying devices.

Appellants disagree. The ATM of Clark includes a first display device (20) at a user panel (12) (Figure 1) and a second display device (28) at an operator panel (26) within the ATM. Regardless of whether Clark teaches or suggests displaying different information on the two display devices, Clark does not disclose or suggest a desktop which spans the first and second display devices. Further the ability to display different information on different display devices does not disclose or suggest or provide motivation for "spanning of display devices" as asserted in the Action. Nowhere in Clark is there a teaching, suggestion, or motivation to create a single

desktop environment in an automated banking machine which single desktop environment spans two displays of an automated banking machine.

The Appellants respectfully submit that the attempts to modify the references are clearly an attempt at hindsight reconstruction of Appellants' claimed invention, which is legally impermissible and does not constitute a valid basis for a finding of obviousness. *In re Fritch*, 22 USPQ2d 1780 (Fed. Cir. 1992). The rejections, which lack the necessary evidence and rationale, are based on knowledge gleaned only from Appellants' disclosure. It follows that the rejection does not factually support any *prima facie* conclusion of obviousness.

Claim 3

Claim 3 depends from claim 2. Clark does not disclose or suggest an automated banking machine that includes a software application that is operative to cause a first user interface to be produced in a first portion of a desktop environment that is being output through a first display device of machine, and to cause the second user interface to be produced in a second portion of the desktop environment that is being output through the second display device of the machine. It follows that the rejection does not factually support any *prima facie* conclusion of obviousness.

The Pending Claims Are Not Obvious Over Clark in view of Coutts

In the Action claims 4-7, 10-28, and 31-40 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Clark in view of Coutts. These rejections are respectfully traversed. The Appellants respectfully disagree with the Office's interpretation and application of the references.

Appellants respectfully submit that the Action does not factually support any *prima facie* conclusion of obviousness. Clark in view of Coutts does not disclose or suggest the features, relationships, and steps that are specifically recited in the claims. Nor is there any teaching, suggestion, or motivation cited for combining features of these references so as to produce the claimed invention. It would not have been obvious to one having ordinary skill in the art to have modified Clark in view of Coutts to have produced the claimed invention. For these reasons it is respectfully submitted that the 35 U.S.C. § 103(a) rejections of claims 4-7, 10-28, and 31-40 should be withdrawn.

Claim 4

Claim 4 depends from claim 1 and further recites at least one first document in operative connection with the at least one computer, wherein the at least one computer is operative to cause output of the first and second user interfaces responsive to the at least one first document.

Clark does not disclose or suggest an automated banking machine that is operative to cause output of user interfaces responsive to both a document and determined types of input devices. It follows that the rejection does not factually support any *prima facie* conclusion of obviousness.

Claim 5

Claim 5 depends from claim 4 and recites that the at least one first document includes a plurality of command instructions that correspond to hardware independent user interface elements.

The Action asserts that Coutts teaches an ATM that is operated using a software/program created with the JAVA program language. The Action further asserts that the JAVA program language is hardware independent type program language.

However, nowhere does the Action indicate where Clark or Coutts teaches an automated banking machine with both a software application and a document. The Action (Page 7) asserts that a JAVA software serves as an electronic document. Appellants disagree. Coutts refers to JAVA as corresponding to a software application, not as a document (Column 3, lines 24, 25). Claim 5 and its parent claim recite both "at least one software application" and "at least one first document". The Action has failed to show where the combination of Clark and Coutts teaches an automated banking machine with both a software application and a document.

In addition, claim 5 recites that the first document includes a plurality of command instructions that correspond to hardware independent user interface elements. Thus regardless of whether a software application written in JAVA can be considered to be hardware independent, the Action does not indicate where Clark or Coutts discloses or suggests a document with command instructions that correspond to hardware independent user interface elements. Thus the Action has failed to show that Clark in view of Coutts discloses or suggests an automated banking machine that includes (as recited) both a software application and a document, which document includes command instructions corresponding to hardware independent user interface elements. It follows that the rejection does not factually support any *prima facie* conclusion of obviousness.

Claim 6

Claim 6 depends from claim 5. Neither Clark nor Coutts discloses or suggests a document with command instructions, which instructions are operative to specify an event processor included in a software application. In addition, neither reference discloses or suggests a computer in the machine which invokes the event processor responsive to both the command instructions in the document and an input from either a first input device associated with a first display or a second input device associated with a second display. It follows that the rejection does not factually support any *prima facie* conclusion of obviousness.

Claim 7

Claim 7 depends from claim 6. Neither Clark nor Coutts discloses or suggests a computer which is responsive to an input from either a first input device associated with a first display or a second input device associated with a second display, to invoke an event processor which causes an automated banking machine to perform a maintenance related function. It follows that the rejection does not factually support any *prima facie* conclusion of obviousness.

Claim 10

Claim 10 depends from claim 8. Neither Clark nor Coutts discloses or suggests a software application that is operative to output a user interface for each user station, responsive to command instructions in a document. It follows that the rejection does not factually support any *prima facie* conclusion of obviousness.

Claim 11

Claim 11 depends from claim 10. Neither Clark nor Coutts discloses or suggests a software application in an automated banking machine that is responsive to a first command instruction in a document and a determined capability of a pointing device, to generate a user interface element that is adapted for selection using the pointing device. Further, neither reference discloses or suggests that such a software application is further responsive to the first command instruction in the document and a determined capability of at least one key, to generate a user interface element that is adapted for selection using the at least one key. It follows that the rejection does not factually support any *prima facie* conclusion of obviousness.

Claim 12

Claim 12 depends from claim 11. Neither Clark nor Coutts discloses or suggests a software application in an automated banking machine that invokes a common function of an event processor responsive to a first command instruction in a document, and either a selection of a first user interface element with an input from a pointing device of a first user station, or selection of a second user interface element with an input from a key of a second user station. It follows that the rejection does not factually support any *prima facie* conclusion of obviousness.

Claim 13

Claim 13 depends from claim 12. Neither Clark nor Coutts discloses or suggests an event processor that causes a transaction function device of an automated banking machine to perform an operation responsive to either a first input from a pointer device at a first user station or a

second input from a key at a second user station. It follows that the rejection does not factually support any *prima facie* conclusion of obviousness.

Claim 14

Claim 14 depends from claim 11. Neither Clark nor Coutts discloses or suggests a computer that causes an automated banking machine to perform a common maintenance operation, responsive to a first command instruction in a document and either a selection of a first user interface element with at least one first input from a pointing device of a first user station, or a selection of a second user interface element with at least one second input from at least one key of a second user station. It follows that the rejection does not factually support any *prima facie* conclusion of obviousness.

Claim 15

Claim 15 depends from claim 10. Neither Clark nor Coutts discloses or suggests an automated banking machine that includes a first command instruction in a first document with a first label in a first human language, and a third command instruction in a second document with a second label in a second human language, that has a meaning corresponding to the first label. Further, neither reference discloses or suggests that the third command instruction in the second document corresponds to the first command instruction in the first document. In addition, neither reference discloses or suggests a software application in an automated banking machine that is operative to output user interfaces at a first and a second user station, with indicia in the second human language responsive to both the first and second documents. It follows that the rejection does not factually support any *prima facie* conclusion of obviousness.

Claim 16

Claim 16 depends from claim 15. Neither Clark nor Coutts discloses or suggests a software application in an automated banking machine, that generates user interfaces at each user station which includes user interface elements that correspond to the second and third command instructions. It follows that the rejection does not factually support any *prima facie* conclusion of obviousness.

Claim 17

Claim 17 depends from claim 16. Neither Clark nor Coutts discloses or suggests a software application in an automated banking machine which generates user interfaces responsive to a second label in a second human language being substituted for a first label in a first human language. It follows that the rejection does not factually support any *prima facie* conclusion of obviousness.

Claim 18

Claim 18 is an independent claim directed to a method. The method comprises:

a) providing at least one first document to an automated banking machine; and b) determining at least one first type associated with a first input device on the machine. The first input device is associated with at least one first display device on the machine. In addition, claim 18 recites: c) presenting at least one first user interface through the first display device, responsive to the determined at least one first type associated with the first input device, and the at least one first document.

Clark in view of Coutts does not disclose or suggest each of these steps. For example, neither Clark nor Coutts discloses or suggests an automated banking machine that determines a first type associated with a first input device of the machine. Further, neither Clark nor Coutts discloses or suggests presenting a first user interface through a first display that is associated with the first input device, responsive to the determined type of the first input device. In addition, neither Clark nor Coutts discloses or suggests presenting a first user interface through a first display device responsive to both a determined first type of a first input device and at least one first document provided to the machine.

Neither Clark nor Coutts alone or in combination shows each and every feature, relationship, and step of the claimed invention, as is required to sustain the rejection. The Office has not established a *prima facie* showing of obviousness. Thus, Appellants respectfully submit the rejection of claim 18 is improper and should be withdrawn. It follows that claims 19-23, 27 and 28 which depend from claim 18 are likewise allowable.

Claim 19

Claim 19 depends from claim 18. Neither Clark nor Coutts discloses or suggests determining both a first type and a second type associated with first and second input devices respectively, on an automated banking machine. Further, neither Clark nor Coutts discloses or suggests presenting first and second user interfaces through first and second display devices respectively, responsive to the determined first and second types of input devices and at least one first document. It follows that the rejection does not factually support any *prima facie* conclusion of obviousness.

Claim 20

Claim 20 depends from claim 19. Neither Clark nor Coutts discloses or suggests performing a first function, responsive to a first document and a first input through a first input device associated with a first display device of an automated banking machine, and performing the first function responsive to the first document and a second input through a second input device associated with a second display device of the machine. It follows that the rejection does not factually support any *prima facie* conclusion of obviousness.

Claim 21

Claim 21 depends from claim 20. Neither Clark nor Coutts discloses or suggests dispensing cash responsive to a document and a first input through a first input device associated with a first display device of the machine, and dispensing cash responsive to the document and a second input through a second input device associated with a second display device of the machine. It follows that the rejection does not factually support any *prima facie* conclusion of obviousness.

Claim 22

Claim 22 depends from claim 20. Neither Clark nor Coutts discloses or suggests performing a maintenance related operation with the automated banking machine responsive to a document and a first input through a first input device associated with a first display device of the machine, and performing the maintenance related operation with the machine responsive to the document and a second input through a second input device associated with a second display

device of the machine. It follows that the rejection does not factually support any *prima facie* conclusion of obviousness.

Claim 23

Claim 23 depends from claim 20. Neither Clark nor Coutts discloses or suggests invoking at least one event processor specified by a first document, responsive to a first input through a first input device associated with a first display device of the machine, and invoking the at least one event processor specified by the first document responsive to a second input through a second input device associated with a second display device of the machine. It follows that the rejection does not factually support any *prima facie* conclusion of obviousness.

Claim 24

Claim 24 is an independent claim directed to a method. The method comprises: a) providing at least one first document and at least one second document to an automated banking machine; b) determining at least one first type associated with a first input device on the machine, wherein the first input device is associated with at least one first display device on the machine; and c) presenting at least one first user interface through the first display device, responsive to the determined at least one first type associated with the first input device, the at least one first document, and the at least one second document, wherein the at least one second document includes at least one language translation of indicia included in the first document.

Clark in view of Coutts does not disclose or suggest each of these steps. For example, neither Clark nor Coutts discloses or suggests an automated banking machine that determines a first type associated with a first input device of the machine. In addition neither Clark nor Coutts

discloses or suggests presenting at least one first user interface through a first display device, responsive to a determined at least one first type of an input device, at least one first document, and the at least one second document. Further, neither reference discloses or suggests at least one second document that includes at least one language translation of indicia included in the first document.

Neither Clark nor Coutts alone or in combination shows each and every feature, relationship, and step of the claimed invention, as is required to sustain the rejection. The Office has not established a *prima facie* showing of obviousness. Thus, Appellants respectfully submit the rejection of claim 24 is improper and should be withdrawn. It follows that claim 25 which depends from claim 24 is likewise allowable.

Claim 25

Claim 25 depends from claim 24. Neither Clark nor Coutts discloses or suggests substituting for a first command instruction in the at least one first document, a second corresponding command instruction in the at least one second document. Further, neither reference discloses or suggests that a first command instruction includes a first label in a first human language, and a second command instruction includes a second label in a dialect of the first human language. It follows that the rejection does not factually support any *prima facie* conclusion of obviousness.

Claim 26

Claim 26 is an independent claim directed to computer readable media bearing instructions which are operative to cause at least one computer in an automated banking machine

to cause the machine to carry out a method comprising: a) receiving at least one first document through operation of the at least one computer in the automated banking machine; and b) determining through operation of the at least one computer at least one first type associated with a first input device on the machine. The first input device is associated with at least one first display device on the machine. Claim 26 further includes: c) presenting at least one first user interface through the first display device, responsive to the determined at least one first type of first input device and the at least one first document.

Clark in view of Coutts does not disclose or suggest each of these steps. For example, neither Clark nor Coutts discloses or suggests an automated banking machine that determines a first type associated with a first input device of the machine. Further, neither Clark nor Coutts discloses or suggests presenting a first user interface through a first display associated with the first input device, responsive to the determined first type of the first input device. In addition, neither Clark nor Coutts discloses or suggests presenting a first user interface through a first display device responsive to both a determined first type of a first input device and at least one first document provided to the machine.

Neither Clark nor Coutts alone or in combination shows each and every feature, relationship, and step of the claimed invention, as is required to sustain the rejection. The Office has not established a *prima facie* showing of obviousness. Thus, Appellants respectfully submit the rejection is improper and should be withdrawn.

Claim 27

Claim 27 depends from claim 19. Claim 27 recites that the first input device and the second input device correspond to different types of input devices. Claim 27 further recites that

the method comprises: f) including in the first user interface at least one first user interface element that is adapted responsive to step (b) for selection by the first input device; and g) including in the second user interface at least one second user interface element that is adapted responsive to step (d) for selection by the second input device.

Clark in view of Coutts does not disclose or suggest these steps. For example, neither Clark nor Coutts discloses including in the first user interface at least one first user interface element that is adapted for selection by a first input device responsive to determining at least one first type associated with the first input device. Further, neither Clark nor Coutts discloses including in the second user interface at least one second user interface element that is adapted for selection by a second input device responsive to determining at least one second type associated with the second input device. Further, neither reference discloses performing these steps wherein the first input device and the second input device correspond to different types of input devices. It follows that the rejection does not factually support any *prima facie* conclusion of obviousness.

Claim 28

Claim 28 depends from claim 27. Neither Clark nor Coutts discloses or suggests that steps (f) and (g) recited in claim 27 are carried out responsive to at least one instruction in a markup language document which specifies the inclusion of a user interface element in a user interface generated responsive to the markup language document. It follows that the rejection does not factually support any *prima facie* conclusion of obviousness.

Claim 31

Claim 31 depends from claim 30. Neither Clark nor Coutts discloses or suggests that a first input device includes a plurality of keys, and at least one software application is operative responsive to the determined first type of the first input device to include at least one first user interface element in a first user interface which is adapted for selection using the first input device including keys. Also, neither reference discloses or suggests that the second input device includes a pointer device, and the at least one software application is operative responsive to the determined second type of the second input device to include at least one second user interface element in a second user interface which is adapted for selection using the second input device including a pointing device. It follows that the rejection does not factually support any *prima facie* conclusion of obviousness.

Claim 32

Claim 32 depends from claim 30. Neither Clark nor Coutts discloses or suggests at least one software application that is operative to cause the computer of an automated banking machine to output the first and second user interface elements on first and second user interfaces respectively, which are adapted for selection using first and second input devices respectively, responsive to a markup language document. It follows that the rejection does not factually support any *prima facie* conclusion of obviousness.

Claim 33

Claim 33 depends from claim 32. Neither Clark nor Coutts discloses or suggests that the at least one software application of the automated banking machine is operative to generate the

first and second user interface elements responsive to a command instruction in a markup language document, and that the command instruction specifies a first one of a plurality of event processors. Further, neither reference discloses or suggests that the at least one software application is operative to invoke the first one of the event processors responsive to the command instruction, and responsive to either the first user interface element being selected with the first input device or the second user interface element being selected with the second input device. In addition, neither reference discloses or suggests that the event processor is operative to cause the computer to perform the servicing operation. It follows that the rejection does not factually support any *prima facie* conclusion of obviousness.

Claim 34

Claim 34 depends from claim 30. Neither Clark nor Coutts discloses or suggests at least one software application is operative responsive to the determined first type of a first input device, to include in the first user interface at least one first user interface element which is adapted for selection using the first input device. Further, neither reference discloses that the at least one software application is operative responsive to the determined second type of second input device, to include in the second user interface at least one second user interface element which is adapted for selection using the second input device. Further, neither reference discloses or suggests that the first user interface element is visually different from the second user interface element. It follows that the rejection does not factually support any *prima facie* conclusion of obviousness.

Claim 35

Claim 35 depends from claim 30. Neither Clark nor Coutts discloses or suggests servicing a cash dispenser responsive to selection of either the at least one first or the at least one second user interface elements included respectively, in the first and second user interfaces that are output respectively, through first and second display devices of an automated banking machine. It follows that the rejection does not factually support any *prima facie* conclusion of obviousness.

Claim 36

Claim 36 depends from claim 30. Neither Clark nor Coutts disclose or suggest that the at least one software application is operative to cause the first user interface to be output through the first display device responsive to at least one first input through the first input device, and is operative responsive to the determined first type of the first input device to include in the first user interface at least one first user interface element, which first user interface element is adapted for selection using the first input device. Further, neither reference discloses or suggests that the at least one software application is operative to cause the second user interface to be output through the second display device responsive to the at least one second input through the second input device, and is operative responsive to the determined second type of the second input device to include in the second user interface at least one second user interface element, which second user interface element is adapted for selection using the second input device. It follows that the rejection does not factually support any *prima facie* conclusion of obviousness.

Claim 37

Claim 37 is an independent claim directed to an automated banking machine apparatus. Neither Clark nor Coutts alone or in combination discloses or suggests a software application of an automated banking machine which is operative to cause a computer of the machine to determine a first input device type and a second input device type associated respectively, with at least one first input device and at least one second input device of the machine. Further, neither reference discloses or suggests that the software application is also operative to cause a first user interface and a second user interface to be output respectively, through at least one first display and at least one second display of the machine. In addition, neither reference discloses or suggests that the software application is operative to include in the first user interface, responsive to at least one command instruction in a document and the first input device type, at least one first user interface element adapted to be selected through the at least one first input device. Further, neither reference discloses or suggests that the software application include in the second user interface responsive to the at least one command instruction and the second input device type, at least one second user interface element adapted to be selected through the at least one second input device.

Neither Clark nor Coutts alone or in combination shows each and every feature, relationship, and step of the claimed invention, as is required to sustain the rejection. The Office has not established a *prima facie* showing of obviousness. Thus, Appellants respectfully submit the rejection of claim 37 is improper and should be withdrawn. It follows that claims 38-40 which depend from claim 37 are likewise allowable.

Claim 38

Claim 38 depends from claim 37. Neither Clark nor Coutts discloses or suggests an automated banking machine in which the at least one first input device of a first user station comprises a keypad, and the at least one second input device of the second user station comprises a pointing device. Further, neither reference discloses or suggests that the at least one first user interface element is adapted for selection using the keypad, and the at least one second user interface element is adapted for selection using the pointing device. It follows that the rejection does not factually support any *prima facie* conclusion of obviousness.

Claim 39

Claim 39 depends from claim 38. Neither Clark nor Coutts discloses or suggests that the software application is operative to cause the computer, responsive to the selection of either the at least one first user interface element of the first user interface, or the at least one second user interface element of the second user interface, to cause the machine to perform a servicing function. It follows that the rejection does not factually support any *prima facie* conclusion of obviousness.

Claim 40

Claim 40 depends from claim 37 and recites that the at least one electronic document includes a markup language document. Neither Clark nor Coutts discloses or suggests that the software application includes in the first user interface, responsive to at least one command instruction in a markup language document and the first input device type, at least one first user

interface element adapted to be selected through the at least one first input device. Further, neither reference discloses or suggests that the software application includes in the second user interface, responsive to the at least one command instruction in the markup language document and the second input device type, at least one second user interface element adapted to be selected through the at least one second input device. It follows that the rejection does not factually support any *prima facie* conclusion of obviousness.

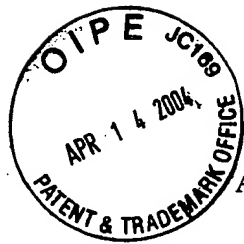
CONCLUSION

Each of Appellants' pending claims specifically recites features, relationships, and steps that are neither disclosed nor suggested in any of the applied prior art. Furthermore, the applied prior art is devoid of any teaching, suggestion, or motivation for combining features of the applied art so as to produce the recited invention. For these reasons it is respectfully submitted that all the pending claims are allowable.

Respectfully submitted,



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APPENDIX OF CLAIMS

Pending Claims in Application Serial No. 09/923,089

1. An automated banking machine apparatus comprising:

at least one computer;

a plurality of transaction function devices in operative connection with the at least one computer;

a first display device and a second display device in operative connection with the at least one computer;

a first input device of a first type associated with the first display device and a second input device of a second type and different from the first type associated with the second display device, each of the first and second input devices in operative connection with the at least one computer; and

at least one software application operative in the at least one computer, wherein the at least one software application is operative to determine the first and the second types of the first and the second input devices, wherein the at least one software application is operative to cause a first user interface to be output through the first display device responsive to the determined first type of the first input device, and wherein the at least

one software application is operative to cause a second user interface different from the first user interface to be output through the second display device responsive to the determined second type of the second input device.

2. The apparatus according to claim 1, wherein the at least one computer is operative to cause a desktop environment to be generated, wherein the desktop environment spans the first and second display devices.

3. The apparatus according to claim 2, wherein the at least one computer is operative responsive to the at least one software application to cause the first user interface to be produced in a first portion of the desktop environment that is being output through the first display device, and to cause the second user interface to be produced in a second portion of the desktop environment that is being output through the second display device.

4. The apparatus according to claim 1, further comprising at least one first document in operative connection with the at least one computer, wherein the at least one computer is operative to cause output of the first and second user interfaces responsive to the at least one first document.

5. The apparatus according to claim 4, wherein the at least one first document includes a plurality of command instructions that correspond to hardware independent user interface elements.

6. The apparatus according to claim 5 wherein the at least one software application includes at least one event processor, wherein the command instructions are operative to specify an event processor, wherein the at least one computer is operative to invoke an event processor responsive to at least one of the command instructions and responsive to an input from either the at least one first input device or the at least one second input device.

7. The apparatus according to claim 6, wherein the at least one computer is operative responsive to the event processor to cause the machine to perform at least one maintenance related function.

8. An automated banking machine apparatus comprising:

a computer;

at least two user stations in operative connection with the computer, wherein each user station includes at least one display device and at least one input device; and

at least one software application operative in the computer, wherein the software application is operative to determine at least one capability of at least one input device included in each user station, and wherein the at least one software application is operative to cause a user interface to be output through the display device included in each user station, wherein the user interface for a user station is output responsive to the

at least one capability associated with the at least one input device included in the user station.

9. The apparatus according to claim 8, wherein for each user station, the corresponding user interface includes at least one user interface element that is adapted, responsive to the determined at least one capability, for user interaction through the at least one input device included in the user station.

10. The apparatus according to claim 8, further comprising a document in operative connection with the computer, wherein the document includes a plurality of command instructions, wherein the at least one software application is operative to output the user interface for each user station, responsive to the command instructions.

11. The apparatus according to claim 10, wherein an input device included in a first of the user stations includes a pointing device, and wherein an input device included in a second of the user stations includes at least one key, wherein the at least one software application, responsive to a first command instruction in the document and a determined capability of the pointing device, is operative to generate a first user interface element in the first user interface that is adapted for selection with the pointing device, and wherein the at least one software application, responsive to the first command instruction and a determined capability of the at least one key, is operative to generate a second user interface element in the second user interface that is adapted for selection with the at least one key.

12. The apparatus according to claim 11, further comprising at least one event processor software component in operative connection with the computer, wherein the at least one software application is operatively responsive to the first command instruction and either a selection of the first user interface element with at least one first input from the pointing device or a selection of the second user interface element with at least one second input from the at least one key, to invoke a common function of the event processor component.

13. The apparatus according to claim 12, further comprising at least one transaction function device in operative connection with the computer, wherein the event processor component is operative to cause the at least one transaction function device to perform an operation responsive to either the first input or the second input.

14. The apparatus according to claim 11, wherein the computer is operative responsive to the first command instruction and either a selection of the first user interface element with at least one first input from the pointing device or a selection of the second user interface element with at least one second input from the at least one key, to have the machine perform a common maintenance operation.

15. The apparatus according to claim 10, further comprising at least one second document that is associated with the first document, wherein the first document includes a first command instruction and a second command instruction; wherein the second document includes a third command instruction that corresponds to the first command instruction; wherein the first

command instruction includes a first label in a first human language; wherein the third command instruction includes a second label in a second human language that has a meaning corresponding to the first label; and wherein the at least one software application is operative to output each user interface with indicia in the second human language responsive to both the first and second documents.

16. The apparatus according to claim 15, wherein the at least one software application is operative to generate each user interface with user interface elements that correspond to the second and third command instructions.

17. The apparatus according to claim 16, wherein the at least one software application is operative to generate each user interface responsive to the second label being substituted for the first label.

18. A method comprising:

- a) providing at least one first document to an automated banking machine;
- b) determining at least one first type associated with a first input device on the machine, wherein the first input device is associated with at least one first display device on the machine;

- c) presenting at least one first user interface through the first display device, responsive to the determined at least one first type and the at least one first document.

19. The method according to claim 18, further comprising:

- d) determining at least one second type associated with a second input device on the machine, wherein the second input device is associated with a second display device on the machine;
- e) presenting at least one second user interface through the second display device, responsive to the determined at least one second type and the at least one first document.

20. The method according to claim 19, further comprising:

- f) performing a first function responsive to the at least one first document and a first input through the first input device; and
- g) performing the first function responsive to the at least one first document and a second input through the second input device.

21. The method according to claim 20, wherein in each of steps (f) and (g), performing the first function includes dispensing cash from the machine.

22. The method according to claim 20, wherein in each of steps (f) and (g), performing the first function includes performing a maintenance related operation with the machine.

23. The method according to claim 20, wherein in each of steps (f) and (g), performing the first function includes invoking at least one event processor specified by the first document.

24. A method comprising:

- a) providing at least one first document and at least one second document to an automated banking machine;
- b) determining at least one first type associated with a first input device on the machine, wherein the first input device is associated with at least one first display device on the machine;
- c) presenting at least one first user interface through the first display device, responsive to the determined at least one first type, the at least one first document,

and the at least one second document, wherein the at least one second document includes at least one language translation of indicia included in the first document.

25. The method according to claim 24, further comprising:

- h) substituting for a first command instruction in the at least one first document, a second corresponding command instruction in the at least one second document, wherein the first command instruction includes a first label in a first human language and wherein the second command instruction includes a second label in a dialect of the first human language.

26. Computer readable media bearing instructions which are operative to cause at least one computer in an automated banking machine to cause the machine to carry out a method comprising:

- a) receiving at least one first document through operation of the at least one computer in the automated banking machine;
- b) determining through operation of the at least one computer at least one first type associated with a first input device on the machine, wherein the first input device is associated with at least one first display device on the machine;

- c) presenting at least one first user interface through the first display device, responsive to the determined at least one first type and the at least one first document.

27. The method according to claim 19, wherein the first input device and the second input device correspond to different types of input devices, and further comprising:

- f) including in the first user interface at least one first user interface element that is adapted responsive to step (b) for selection by the first input device.
- g) including in the second user interface at least one second user interface element that is adapted responsive to step (d) for selection by the second input device.

28. The method according to claim 27, wherein the document includes a markup language document, wherein the markup language document includes at least one instruction which specifies the inclusion of a user interface element in a user interface generated responsive to the markup language document, wherein steps (f) and (g) are carried out responsive to the at least one instruction in the markup language document.

29. The apparatus according to claim 1, wherein the automated banking machine includes a first user station and a second user station, wherein the first display device and the first input device are accessible by a user positioned adjacent the first user station, wherein the second

display device and the second input device are accessible by a user positioned adjacent the second user station, wherein both the first user interface and the second user interface are adapted to enable an authorized user to perform servicing operations with the machine while positioned adjacent either the first user station or the second user station of the machine.

30. The apparatus according to claim 1, wherein the at least one software application is operative responsive to the determined first type, to include in the first user interface, at least one first user interface element which is adapted for selection using the first input device, wherein the at least one software application is operative responsive to the determined second type to include in the second user interface, at least one second user interface element which is adapted for selection using the second input device, wherein the computer is operative to perform a common servicing operation responsive to selection of either the at least one first or the at least one second user interface elements.

31. The apparatus according to claim 30, wherein the first input device includes a plurality of keys, wherein the second input device includes a pointer device.

32. The apparatus according to claim 30, further comprising a markup language document in operative connection with the at least one computer, wherein the at least one software application is further operative to cause the computer to output the first and second user interface elements responsive to the markup language document.

33. The apparatus according to claim 32 wherein the at least one software application includes a plurality of event processors, wherein the markup language document includes a first command instruction which specifies a first one of the event processors, wherein the software application is operative to generate the first and second user interface elements responsive to the command instruction, wherein the at least one software application is operative to invoke the first one of the event processors responsive to the command instruction and responsive to either the first user interface element being selected with the first input device or the second user interface element being selected with the second input device, wherein the event processor is operative to cause the computer to perform the servicing operation.

34. The apparatus according to claim 30, wherein the first user interface element is visually different from the second user interface element.

35. The apparatus according to claim 30, wherein at least one of the transaction function devices includes a cash dispenser, wherein the servicing operation includes servicing the cash dispenser.

36. The apparatus according to claim 30, wherein the at least one computer is operative to receive at least one first input through the first input device, wherein the at least one computer is operative to receive at least one second input through the second input device, wherein the at least one software application is operative to cause the first user interface to be output through the first display device responsive to the at least one first input and wherein the at

least one software application is operative to cause the second user interface to be output through the second display device responsive to the at least one second input.

37. An automated banking machine apparatus comprising:

a computer;

a cash dispenser in operative connection with the computer;

at least two user stations in operative connection with the computer, wherein a first user station includes at least one first display device and at least one first input device and a second user station includes at least one second display device and at least one second input device;

at least one electronic document in operative connection with the computer, wherein the at least one electronic document includes at least one command instruction; and

a software application operative in the computer, wherein the software application is operative to cause the computer to determine a first input device type and a second input device type associated respectively with the at least one first input device and the at least one second input device, and to cause a first user interface and a second user interface to be output respectively through the at least one first display and the at least one second

display, and to include in the first user interface responsive to the at least one command instruction and the first input device type, at least one first user interface element adapted to be selected through the at least one first input device, and to include in the second user interface responsive to the at least one command instruction and the second input device type, at least one second user interface element adapted to be selected through the at least one second input device.

38. The apparatus according to claim 37, wherein the at least one first input device comprises a key pad, wherein the at least one second input device comprises a pointing device, wherein the at least one first user interface element is adapted for selection using the keypad, wherein the at least one second user interface element is adapted for selection using the pointing device.

39. The apparatus according to claim 38, wherein the software application is operative to cause the computer responsive to the selection of either the at least one first user interface element or the at least one second user face element, to cause the machine to perform a servicing function.

40. The apparatus according to claim 37, wherein the at least one electronic document includes a markup language document.